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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,479	12/03/1998	MARC TREMBLAY	SP-3289US	5561

24251 7590 10/07/2002

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110

EXAMINER

ENG, DAVID Y

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/07/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/204,479

Applicant(s)

TREMBLAY ET AL.

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter (5,826,096) in view of Jouppi (5,150,469).

Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

Applicants' argument directed to "implicitly deriving said implicitly derived register specifier based on said explicitly-specified register specifier" is not understood. The only requirement of the claims is deriving a register specifier (register pointer) from a given register specifier. Applicants' specification shows that that is being done by incrementing the given register specifier by one. That is clearly taught in line 20 of column 17 in Jouppi. The argument of "for a next execution" is not persuasive. There is no recitation in the claims as to whether for a next, current or past instruction. Further, Jouppi's description of the timing for a specific FPU ALU instruction does not affect his teaching of deriving a register specifier (register pointer) from a given register specifier. One of ordinary skill in the art should readily know that operands of an arithmetic instruction are stored consecutively in registers of a register file. Jouppi taught in line 20 of column 17 that in order to access those operands for the instruction to operate on, it is necessary to increment (implicitly derive) a given register specifier (explicitly specified) which is stored in a register pointer.

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Claims 8-16 recite well known arithmetic instructions which use the method of “implicitly deriving said implicitly derived register specifier based on said explicitly-specified register specifier” to retrieve the operands. Those arithmetic instructions are nothing more than various combinations of the four basic arithmetic operators, add, subtract, multiply and divide. No inventive concept is seen. As to claims 21-22, they are no different from claim 1.

In the communication filed on July 13, 2002, Applicants fail to clearly point out the patentable novelty which they think present in claims 3-17, 19 and 21-22 in view of the Jouppi and the Baxter references. See Rule 1.111 c and *In re Nielson*, 816 F.2d 1567, 2USPQ2d 1525 (Fed. Cir.1987). The court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to a separate argument for patentability.

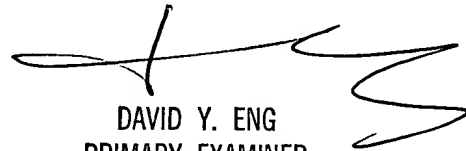
Applicants further fail to point out the claimed decoder in the drawings to show how the decoder is able to “implicitly deriving said implicitly derived register specifier based on said explicitly-specified register specifier”. See Rule 1.83 (a). Applicants also fail to point out the two pointers of claim 17 in the drawings.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



DAVID Y. ENG
PRIMARY EXAMINER